

City of Royal Oak PUBLIC ART POLICY

Purpose:

The City of Royal Oak recognizes the importance of arts and culture to a vibrant, healthy, and sustainable community. The City strives to promote and encourage arts and culture through the public and private display of art.

This policy establishes guidelines and procedures for the review, selection, acceptance, donation, placement, deaccession, maintenance, and safe display of temporary or permanent public art on, in, or a part of Royal Oak assets, property, and rights-of-way to provide for the opportunity for the increased, sustained, safe, and appropriate display of public art within the City of Royal Oak.

The City of Royal Oak has developed this policy in compliance with City Code of Ordinances Chapter 36, "Commission for the Arts".

This policy is intended to operate in conjunction with the established City of Royal Oak Code of Ordinances, and does not supersede or replace any ordinance in the City Code.

Objectives of Policy:

1. To increase prevalence of public art in Royal Oak.
2. To provide uniform and clear guidelines and procedures governing the review, selection, and approval of installed public art as defined herein.
3. To maintain high artistic standards in works of art displayed in public areas within the City of Royal Oak.
4. To ensure the safe and appropriate display of works of art on, in, or a part of Royal Oak assets, property, and rights-of-way.
5. To ensure appropriate recognition of artists and donors of works of art displayed in public areas.
6. To ensure the proper and perpetual maintenance of publicly displayed works of art.

Definitions:

Arts is a term meant to represent all art disciplines and creative artistic expressions including, but not limited to, visual art, literary art, or performing art. Examples include painting, drawing, sculpture, photography, architecture, poetry, prose, theatre, film, music, comedy, and dance.

Installed Public Art means any works of art or creative artistic expression intended to be installed on, in, or as a part of public spaces, public assets, public property, or public rights-of-way.

Policy:

All installed public art and associated display materials that are not a part of a Special Event approved by the City and are not installed public art approved by another City recognized Arts Board, Committee, or Commission must first be approved by the Royal Oak Commission for the Arts on a case by case basis.

An applicant aggrieved by a decision of the Royal Oak Commission for the Arts may appeal that decision to the City Commission by filing a written request for a hearing with the City Manager within ten (10) days of the date of denial.

Review Process:

Application:

1. A fully completed application must be submitted to the current President or ex-officio member of the Commission for the Arts by the first day of the month to be listed on the agenda for that month. The application can be retrieved via the City of Royal Oak Website, Clerk's Office, or at any Commission for the Arts meeting.
2. Application includes:
 - a. Narrative of proposal including concept, media, dimensions, timeframe for completion, site preparation requirements, and method of installation
 - b. Maintenance plan
 - c. Drawing, model, photograph, or other visual representation of proposed installed public art, indicating its height, width, and relationship to desired site including location
 - d. Artists' resume and three professional references
 - e. Project budget, detailing all costs associated with the creation, installation, and maintenance of the installed public art including funding for artwork

Review Criteria:

3. The project should be safe for the public, and include any and all features necessary to protect the art and the public as deemed necessary and approved by the City.
4. The installed public art should enhance the cultural and visual aesthetic of the City.
5. The installed public art should be appropriate for the proposed site and its surroundings, including considerations of architecture, topography, and physical environment.
6. The installed public art should not adversely affect the natural environment.
7. Public accessibility in compliance with ADA requirements
8. Site requirements
9. Plaque identifying art and artist
10. Maintenance plan
11. Any criteria deemed prudent by the Commission for the Arts
12. Compliance with City codes and state and federal regulations including, but not limited to, the attainment of all necessary permits and license agreements
13. All costs of the project including, but not limited to the cost of design, fabrication, plaques, transportation, installation, site preparation work, electrical, maintenance, and permits must be financed by the requesting party.

Approval:

14. Applicants will be notified of approved projects by the President or ex-officio member of the Commission for the Arts.
15. If approved, applicants will be notified of any remaining steps necessary to complete the project including what City staff to contact.

Deaccession:

The City maintains the right for deaccession of public art on, in, or a part of Royal Oak assets, property, or rights-of-way pursuant the Visual Artist Rights Act of 1990. A work of art may be deaccessioned for the following reasons:

1. Destruction, either by deterioration, vandalism, or accident to such an extent that repairs or restorations are impractical or unfeasible
2. On-going maintenance has become impossible or is prohibitively expensive.
3. Required changes by the City at the site will destroy the integrity of the work because of its relationship to the site
4. The authenticity, attribution, or genuineness of the item is determined to be false or fraudulent
5. Violation of this policy
6. The license agreement has expired or has been terminated
7. The project has not been completed during initially agreed upon timeframe; abandonment
8. The project is deemed to be unsafe or caused the location or surroundings to be unsafe

Works of art will be approved for deaccession by the City Manager or the Director of the Department of Public Services when the need to remove the work is immediate and necessary, and by the Royal Oak Commission for the Arts in all other instances.

Liability and Legal Requirements:

All installed public art is subject to a license agreement between the artist, owner, or representative and the City of Royal Oak for the duration of display. The license agreement shall address all issues of liability including, but not limited to, general liability insurance, indemnification, and holding the City harmless from any and all claims, demands, and rights of action for injury or damage to property which shall be annually renewing for the duration of the installation. Projects shall not be initiated until legal requirements are approved by City staff and the City Commission.

Funding:

The Commission for the Arts may assist artists and applicants in obtaining funding for approved projects.